

**Statement of John E. Lewis  
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before the  
House Committee on Homeland Security  
Subcommittee on Prevention of Nuclear and Biological Attack  
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**INTRODUCTION**

Good afternoon Chairman Linder and Members of the Committee. I am pleased to be here today to discuss the coordination between the Federal Bureau of Investigation and other federal agencies in detecting and neutralizing potential terrorist threats involving nuclear weapons.

We are all well aware of the catastrophic consequences that would result if a nuclear device were detonated. Because of the severity of the threat, it is imperative that the FBI and our partner agencies have procedures and coordination mechanisms in place before the fact, in the event that we must respond to a potential nuclear threat or incident.

The FBI is the lead law enforcement and investigative agency charged with responding to terrorist threats or incidents involving nuclear weapons or materials. However, no one agency can protect America from every threat — especially a threat as complex as a nuclear incident. We must combine our expertise with that of other federal agencies, in order to meet and defeat these threats. And we are working together. Let me give you a brief overview of some of our joint efforts.

## **COORDINATION WITH THE DEPARTMENT OF HOMELAND SECURITY, THE DEPARTMENT OF ENERGY, AND THE DEPARTMENT OF DEFENSE**

The FBI has extensive liaison relationships with the Department of Homeland Security (DHS), the Department of Energy (DOE), and the Department of Defense (DOD), all of which play a vital role in resolving a nuclear crisis. Specialized components within these agencies provide critical support in the detection, analysis, mitigation, and secure transport of a nuclear device. For example, DOE supports both the FBI and DHS by deploying mobile detection assets to search for nuclear/radiological materials and/or devices, and also provides high-end technical expertise. The FBI also has specialized response components from the Critical Incident Response Group and the FBI Laboratory. Officers assigned to these components regularly train together in order to ensure that we are all prepared ahead of time.

The FBI also maintains a close working relationship with DHS, particularly with regard to coordinating the U.S. Government's response to nuclear threats and incidents. The Homeland Security Act of 2002 requires that specialized DOE emergency response assets fall under the operational control of DHS when they are deployed in response to a potential nuclear incident. When we respond to threats today, each and every response is fully coordinated with our colleagues at DHS.

For example, the FBI and DOE keep DHS apprised of the operational status and geographic disposition of the DOE/National Nuclear Security Administration's nuclear search response assets, in accordance with the reporting processes outlined in the National Response Plan. During potential incidents or periods of heightened alert, DHS will be fully aware of operational response activities, including nuclear search operations, and provide this information to senior government officials, as required. This process ensures national-level integration, coordination and strategic focus.

### **FBI AND DHS COORDINATION ON GENERAL AND SPECIFIC THREATS**

The FBI and DHS have also developed an operational agreement which provides additional guidance for coordination in nuclear/radiological detection and search operations — whether the threat response scenarios are very general or highly specific.

As background, “general threat response” may be defined as an increase in the alert posture or actions taken to address increased threat traffic on nuclear/radiological materials and/or devices where no specific geographic target has been identified. “Specific threat response” may be defined as actions taken to address a time-sensitive, credible threat that an unresolved detection event has occurred, or to address specific information suggesting that a particular city or location may be the target of nuclear/radiological material or device. (It should also be noted that a general threat may evolve into a specific threat as investigators gather intelligence.)

For a general threat response, DHS will lead interagency coordination in developing courses of action and recommendations for the Secretary of Homeland Security and other officials regarding the overall distribution of search response assets. The Secretary will direct deployment of search assets. Once employed operationally, the FBI will assume tactical control of nuclear search assets, unless those assets are deployed in direct support of DHS component entities, such as Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP) or the United States Coast Guard (USCG). Under this scenario, "tactical control" refers to temporary directive authority and control over those nuclear search response assets in support of planning, mission objectives and operational taskings developed by the FBI or other federal law enforcement entities.

For a specific threat response of a time-sensitive nature within the jurisdictional authorities of the FBI, the FBI will immediately notify and coordinate mission tasking with DHS and DOE. To facilitate the fastest possible federal government response, DOE will immediately deploy a tailored search package appropriate for the situation. In the event that DHS does not agree with the deployment or proposed employment of this search package for any reason, redirection of DOE assets may be effected by the Secretary of Homeland Security in consultation with the Attorney General.

During a general or specific threat response, DHS will deploy a liaison official to the FBI Strategic Information and Operations Center (SIOC) as well as the local FBI command post. This DHS official will have full access to all required operational search information, participate in joint planning, and maintain connectivity with the local Principal Federal Official cell, if one is activated, in accordance with the National Response Plan. The FBI, through the SIOC, will provide the primary pipeline of communication to headquarters elements in Washington. The FBI will also keep the Homeland Security Operations Center (HSOC) fully informed of all appropriate information. The FBI will be responsible for providing information concerning the nature, timing, location and results of search activities to appropriate entities, including the White House, back through its chain of command.

The DHS-managed Nuclear Assessment Program (NAP) has also proven to be a valuable asset in helping to determine the credibility of nuclear/radiological threats. This program, which is coordinated through the Lawrence Livermore National Laboratory (LLNL) in Livermore, CA, provides assessments of incidents not only involving communicated threats to use nuclear/radiological materials but also alleged possession of such materials. The FBI utilizes this analysis, in conjunction with its own nuclear specialists and behavioral analysts, to determine the credibility of a particular threat and to determine the level of response that may be required.

## **FBI AND INTERAGENCY EFFORTS TO PREVENT TERRORISTS FROM ACCESSING, USING, AND SMUGGLING NUCLEAR WEAPONS**

The FBI participates in a number of interagency efforts to help prevent terrorists from accessing, using, or smuggling nuclear weapons — or the materials needed (such as enriched uranium or plutonium) to construct a nuclear weapon. For instance, the FBI coordinates extensively with DHS/CBP in response to incidents involving possible detection of nuclear/radiological material at U.S. Ports of Entry. The FBI and DHS both maintain extensive "reachback capability" to obtain rapid technical analysis of possible nuclear/radiological material to obtain a more definitive analysis of the origin and nature of the suspect material from DOE personnel and/or other subject matter experts. FBI field personnel can send technical spectra back to national laboratory experts who can immediately analyze the data.

Other interagency forums include nuclear smuggling focus groups, as well as various joint training initiatives. For example, since 1999, the FBI and DOE have jointly coordinated the SILENT THUNDER Tabletop Exercise (TTX) Program. These exercises bring together FBI personnel, state and local law enforcement officers and emergency management personnel, and DOE facility management and security personnel. The exercises are no-fault tabletop exercises designed to familiarize key decision makers and managers with the U.S. government's interagency emergency response to a nuclear or WMD domestic terrorism incident. Approximately four exercises are conducted per year throughout the nation.

The FBI also participates in training with foreign law enforcement personnel, which is designed to increase their capability to search, detect and interdict nuclear materials being illicitly transported. In addition, the FBI provides foreign law enforcement assistance and coordination through its Legal Attaché Program, currently in 53 countries worldwide. Our hope is that aggressive investigation and prosecution of illicit nuclear material trafficking incidents — on the international level — will discourage and hinder thefts of such material.

On the national level, the FBI's Nuclear Site Security Program requires each Field Office to establish close liaison with security personnel at critical nuclear facilities (including DOD and DOE sites, as well as commercial nuclear power facilities under the cognizance of the Nuclear Regulatory Commission). This program also requires FBI Field Offices to develop site-specific incident response plans and to exercise those plans with facility security personnel.

The FBI has also assumed a leadership position within the Domestic Nuclear Detection Office (DNDO). The DNDO is an interagency effort to oversee the deployment of detection architecture with the goal of strengthening our capability to detect, report, and respond to attempts to import, assemble, or transport a nuclear explosive device, fissile material, or radiological material intended for illicit use. An FBI detailee currently serves as the Director of the Office of Operations Support, one of 5

offices which comprise the DNDO. In the near term, I will be dedicating additional FBI detailees to the areas of strategic planning, red cell planning, information analysis, reachback development, and training and protocol development.

### **OTHER LIAISON EFFORTS**

While close liaison has always been standard at U.S. nuclear sites, it should be noted that the events of 9/11 have dramatically increased the level of awareness regarding any suspicious activity at these sites. Our partners at these sites are now even more proactive in their efforts to report even potentially suspicious incidents to local law enforcement and/or the FBI.

The establishment of a National Joint Terrorism Task Force (NJTTF) at FBI Headquarters and the expansion of the Joint Terrorism Task Forces (JTTFs) in the field have also increased information sharing and improved response coordination. There are now over 100 JTTFs nationwide, consisting of various representatives of federal, state and local agencies.

The FBI is also a regular participant in the interagency review and update of the threat or potential threat to U.S. nuclear facilities and activities. The results of this annual review help to structure the postulated threat that DOD and DOE utilize to structure their protective forces.

Chairman Linder and Members of the Committee, the FBI continues to work aggressively, both internally and with its partners at every level, to investigate, disrupt, and respond to potential or actual nuclear threats. We are committed to deterring crime and terrorism, and protecting our fellow citizens from the threat of nuclear weapons. We will do everything in our power to anticipate these threats and prevent them from becoming a reality.

Thank you again for the opportunity to appear today. I would be happy to answer your questions.

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